

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 32710. Civil actions by private persons

(a) VIOLATION AND AMOUNT OF DAMAGES.—A person that violates this chapter or a regulation prescribed or order issued under this chapter, with intent to defraud, is liable for 3 times the actual damages or \$10,000, whichever is greater.

(b) CIVIL ACTIONS.—A person may bring a civil action to enforce a claim under this section in an appropriate United States district court or in another court of competent jurisdiction. The action must be brought not later than 2 years after the claim accrues. The court shall award costs and a reasonable attorney’s fee to the person when a judgment is entered for that person.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1055; Pub. L. 112-141, div. C, title I, §31206(2), July 6, 2012, 126 Stat. 761.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows for 32710(a) and 32710(b).

In subsection (a), the words “this chapter or a regulation prescribed or order issued under this chapter” are substituted for “requirement imposed under this subchapter” for consistency.

In subsection (b), the words “A person may bring a civil action to enforce a claim” are substituted for “An action to enforce any liability created . . . may be brought” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The word “appropriate” is added for clarity. The words “without regard to the amount in controversy” are omitted because jurisdiction is now allowed under 28:1331 without regard to the amount in controversy. The words “after the claim accrues” are substituted for “from the date on which the liability arises” to eliminate unnecessary words. The words “The court shall award . . . to the person when a judgment is entered for that person” are substituted for “in the case of any successful action to enforce the foregoing liability . . . as determined by the court” for clarity.

Editorial Notes

AMENDMENTS

2012—Subsec. (a). Pub. L. 112-141 substituted “\$10,000” for “\$1,500”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 32711. Relationship to State law

Except to the extent that State law is inconsistent with this chapter, this chapter does not—

- (1) affect a State law on disconnecting, altering, or tampering with an odometer with intent to defraud; or

- (2) exempt a person from complying with that law.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1056.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row for 32711.

In this section, before clause (1), the words “and then only to the extent of the inconsistency” are omitted as surplus. In clause (1), the word “affect” is substituted for “annul, alter, or affect” to eliminate unnecessary words. In clause (2), the words “subject to the provisions of this subchapter” are omitted as surplus.

CHAPTER 329—AUTOMOBILE FUEL ECONOMY

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Editorial Notes

AMENDMENTS

1994—Pub. L. 103-429, §6(43)(C), Oct. 31, 1994, 108 Stat. 4383, added items 32918 and 32919 and struck out former item 32918 “Preemption”.

§ 32901. Definitions

- (a) GENERAL.—In this chapter—
(1) “alternative fuel” means—
(A) methanol;
(B) denatured ethanol;
(C) other alcohols;
(D) except as provided in subsection (b) of this section, a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;
(E) natural gas;
(F) liquefied petroleum gas;
(G) hydrogen;
(H) coal derived liquid fuels;
(I) fuels (except alcohol) derived from biological materials;
(J) electricity (including electricity from solar energy); and
(K) any other fuel the Secretary of Transportation prescribes by regulation that is

not substantially petroleum and that would yield substantial energy security and environmental benefits.

(2) “alternative fueled automobile” means an automobile that is a—

- (A) dedicated automobile; or
- (B) dual fueled automobile.

(3) except as provided in section 32908 of this title, “automobile” means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at less than 10,000 pounds gross vehicle weight, except—

- (A) a vehicle operated only on a rail line;
- (B) a vehicle manufactured in different stages by 2 or more manufacturers, if no intermediate or final-stage manufacturer of that vehicle manufactures more than 10,000 multi-stage vehicles per year; or
- (C) a work truck.

(4) “automobile manufactured by a manufacturer” includes every automobile manufactured by a person that controls, is controlled by, or is under common control with the manufacturer, but does not include an automobile manufactured by the person that is exported not later than 30 days after the end of the model year in which the automobile is manufactured.

(5) “average fuel economy” means average fuel economy determined under section 32904 of this title.

(6) “average fuel economy standard” means a performance standard specifying a minimum level of average fuel economy applicable to a manufacturer in a model year.

(7) “commercial medium- and heavy-duty on-highway vehicle” means an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more.

(8) “dedicated automobile” means an automobile that operates only on alternative fuel.

(9) “dual fueled automobile” means an automobile that—

(A) is capable of operating on alternative fuel or a mixture of biodiesel and diesel fuel meeting the standard established by the American Society for Testing and Materials or under section 211(u) of the Clean Air Act (42 U.S.C. 7545(u)) for fuel containing 20 percent biodiesel (commonly known as “B20”) and on gasoline or diesel fuel;

(B) provides equal or superior energy efficiency, as calculated for the applicable model year during fuel economy testing for the United States Government, when operating on alternative fuel as when operating on gasoline or diesel fuel;

(C) for model years 1993–1995 for an automobile capable of operating on a mixture of an alternative fuel and gasoline or diesel fuel and if the Administrator of the Environmental Protection Agency decides to extend the application of this subclause, for an additional period ending not later than the end of the last model year to which section 32905(b) and (d) of this title applies, provides equal or superior energy efficiency, as calculated for the applicable model year during

fuel economy testing for the Government, when operating on a mixture of alternative fuel and gasoline or diesel fuel containing exactly 50 percent gasoline or diesel fuel as when operating on gasoline or diesel fuel; and

(D) for a passenger automobile, meets or exceeds the minimum driving range prescribed under subsection (c) of this section.

(10) “fuel” means—

- (A) gasoline;
- (B) diesel oil; or
- (C) other liquid or gaseous fuel that the Secretary decides by regulation to include in this definition as consistent with the need of the United States to conserve energy.

(11) “fuel economy” means the average number of miles traveled by an automobile for each gallon of gasoline (or equivalent amount of other fuel) used, as determined by the Administrator under section 32904(c) of this title.

(12) “import” means to import into the customs territory of the United States.

(13) “manufacture” (except under section 32902(d) of this title) means to produce or assemble in the customs territory of the United States or to import.

(14) “manufacturer” means—

(A) a person engaged in the business of manufacturing automobiles, including a predecessor or successor of the person to the extent provided under regulations prescribed by the Secretary; and

(B) if more than one person is the manufacturer of an automobile, the person specified under regulations prescribed by the Secretary.

(15) “model” means a class of automobiles as decided by regulation by the Administrator after consulting and coordinating with the Secretary.

(16) “model year”, when referring to a specific calendar year, means—

(A) the annual production period of a manufacturer, as decided by the Administrator, that includes January 1 of that calendar year; or

(B) that calendar year if the manufacturer does not have an annual production period.

(17) “non-passenger automobile” means an automobile that is not a passenger automobile or a work truck.

(18) “passenger automobile” means an automobile that the Secretary decides by regulation is manufactured primarily for transporting not more than 10 individuals, but does not include an automobile capable of off-highway operation that the Secretary decides by regulation—

(A) has a significant feature (except 4-wheel drive) designed for off-highway operation; and

(B) is a 4-wheel drive automobile or is rated at more than 6,000 pounds gross vehicle weight.

(19) “work truck” means a vehicle that—

(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

(B) is not a medium-duty passenger vehicle (as defined in section 86.1803-01 of title 40,

Code of Federal Regulations, as in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act).

(b) **AUTHORITY TO CHANGE PERCENTAGE.**—The Secretary may prescribe regulations changing the percentage referred to in subsection (a)(1)(D) of this section to not less than 70 percent because of requirements relating to cold start, safety, or vehicle functions.

(c) **MINIMUM DRIVING RANGES FOR DUAL FUELED PASSENGER AUTOMOBILES.**—(1) The Secretary shall prescribe by regulation the minimum driving range that dual fueled automobiles that are passenger automobiles must meet when operating on alternative fuel to be dual fueled automobiles under sections 32905 and 32906 of this title. A determination whether a dual fueled automobile meets the minimum driving range requirement under this paragraph shall be based on the combined Agency city/highway fuel economy as determined for average fuel economy purposes for those automobiles.

(2)(A) The Secretary may prescribe a lower range for a specific model than that prescribed under paragraph (1) of this subsection. A manufacturer may petition for a lower range than that prescribed under paragraph (1) for a specific model.

(B) The minimum driving range prescribed for dual fueled automobiles (except electric automobiles) under subparagraph (A) of this paragraph or paragraph (1) of this subsection must be at least 200 miles, except that beginning with model year 2016, alternative fueled automobiles that use a fuel described in subparagraph (E) of subsection (a)(1) shall have a minimum driving range of 150 miles.

(C) If the Secretary prescribes a minimum driving range of 200 miles for dual fueled automobiles (except electric automobiles) under paragraph (1) of this subsection, subparagraph (A) of this paragraph does not apply to dual fueled automobiles (except electric automobiles). Beginning with model year 2016, if the Secretary prescribes a minimum driving range of 150 miles for alternative fueled automobiles that use a fuel described in subparagraph (E) of subsection (a)(1), subparagraph (A) shall not apply to dual fueled automobiles (except electric automobiles).

(3) In prescribing a minimum driving range under paragraph (1) of this subsection and in taking an action under paragraph (2) of this subsection, the Secretary shall consider the purpose set forth in section 3 of the Alternative Motor Fuels Act of 1988 (Public Law 100-494, 102 Stat. 2442), consumer acceptability, economic practicability, technology, environmental impact, safety, drivability, performance, and other factors the Secretary considers relevant.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1056; Pub. L. 110-140, title I, §103(a), Dec. 19, 2007, 121 Stat. 1501; Pub. L. 113-291, div. A, title III, §318(b), Dec. 19, 2014, 128 Stat. 3341.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---|--|
| 32901(a)(1) ... | 15:2013(h)(1)(A) (less words in 1st parentheses). | Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §513(h); added Oct. 14, 1988, Pub. L. 100-494, §6(a), 102 Stat. 2450; Oct. 24, 1992, Pub. L. 102-486, §403(5)(H), (I), 106 Stat. 2878. |
| 32901(a)(2) ... | 15:2013(h)(1)(B). | Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §501(1); added Dec. 22, 1975, Pub. L. 94-163, §301, 89 Stat. 901; Oct. 14, 1988, Pub. L. 100-494, §6(b), 102 Stat. 2452; Oct. 24, 1992, Pub. L. 102-486, §403(1), 106 Stat. 2876. |
| 32901(a)(3) ... | 15:2001(1). | |
| | 15:2001(13), (14). | Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §§501(2)-(7), (10)-(14), 503(c); added Dec. 22, 1975, Pub. L. 94-163, §301, 89 Stat. 901, 902, 907. |
| 32901(a)(4) ... | 15:2003(c). | Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §501(8), (9); added Dec. 22, 1975, Pub. L. 94-163, §301, 89 Stat. 902; Oct. 10, 1980, Pub. L. 96-425, §§4(c)(1), 8(b), 94 Stat. 1824, 1828. |
| 32901(a)(5) ... | 15:2001(4). | |
| 32901(a)(6) ... | 15:2001(7). | |
| 32901(a)(7) ... | 15:2013(h)(1)(C). | |
| 32901(a)(8) ... | 15:2001(h)(1)(D). | |
| 32901(a)(9) ... | 15:2001(5). | |
| 32901(a)(10) ... | 15:2001(6). | |
| 32901(a)(11) ... | 15:2001(10). | |
| 32901(a)(12) ... | 15:2001(9). | |
| 32901(a)(13) ... | 15:2001(8). | |
| 32901(a)(14) ... | 15:2001(11). | |
| 32901(a)(15) ... | 15:2001(12). | |
| 32901(a)(16) ... | 15:2001(2), (3). | |
| 32901(b) | 15:2013(h)(1)(A) (words in 1st parentheses). | |
| 32901(c)(1) ... | 15:2013(h)(2)(A). | |
| 32901(c)(2) ... | 15:2013(h)(2)(B), (C). | |
| 32901(c)(3) ... | 15:2013(h)(2)(D). | |

In this chapter, the word “model” is substituted for “model type” for consistency in this part.

In subsection (a)(3), before clause (A), the words “except as provided in section 32908 of this title” are added for clarity. The word “line” is added for consistency in the revised title and with other titles of the United States Code. The words “or rails” are omitted because of 1:1. The text of 15:2001(1) (last sentence) is omitted because of 49:322(a). The text of 15:2001(13) and (14) is omitted as surplus because the complete names of the Secretary of Transportation and Administrator of the Environmental Protection Agency are used the first time the terms appear in a section. The text of 15:2001 (related to 15:2011) is omitted because 15:2011 is outside the scope of the restatement. See section 4(c) of the bill.

In subsection (a)(4), the words “‘automobile manufactured by a manufacturer’ includes” are substituted for “Any reference in this subchapter to automobiles manufactured by a manufacturer shall be deemed—(1) to include” to eliminate unnecessary words. The word “every” is substituted for “all” because of the restatement. The words “but does not include” are substituted for “to exclude” for consistency. The words “manufactured by the person” are substituted for “manufactured (within the meaning of paragraph (1))” to eliminate unnecessary words.

In subsection (a)(10), the words “in accordance with procedures established” are omitted as surplus.

In subsection (a)(14), the word “particular” is omitted as surplus.

Subsection (a)(15)(B) is substituted for “If a manufacturer has no annual production period, the term ‘model year’ means the calendar year” to eliminate unnecessary words.

In subsection (a)(16), before clause (A), the words “but does not include an automobile capable of off-highway operation that” are substituted for “(other than an automobile capable of off-highway operation)”

and “The term ‘automobile capable of off-highway operation’ means any automobile which” to eliminate unnecessary words.

In subsection (b), the words “The Secretary may prescribe regulations changing the percentage . . . to not less than 70 percent because of” are substituted for “but not less than 70 percent, as determined by the Secretary, by rule, to provide for” for clarity and because of the restatement.

In subsection (c)(1), the words “For purposes of the definitions in paragraph (1)(D)” are omitted as unnecessary because of the restatement. The words “within 18 months after October 14, 1988” are omitted as obsolete. The words “prescribe by regulation” are substituted for “establish by rule of general applicability” for clarity and consistency in the revised title and with other titles of the United States Code and because “rule” is synonymous with “regulation”. The words “that are passenger automobiles” are substituted for “The rule issued under this subparagraph shall apply only to dual fueled automobiles that are passenger automobiles” to eliminate unnecessary words.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Ten-in-Ten Fuel Economy Act, referred to in subsec. (a)(19)(B), is the date of enactment of subtitle A (§§ 101–113) of title I of Pub. L. 110–140, which was approved Dec. 19, 2007.

Section 3 of the Alternative Motor Fuels Act of 1988, referred to in subsec. (c)(3), is section 3 of Pub. L. 100–494, which is set out as a note under section 6374 of Title 42, The Public Health and Welfare.

AMENDMENTS

2014—Subsec. (c)(2)(B). Pub. L. 113–291, § 318(b)(1), inserted “, except that beginning with model year 2016, alternative fueled automobiles that use a fuel described in subparagraph (E) of subsection (a)(1) shall have a minimum driving range of 150 miles” after “at least 200 miles”.

Subsec. (c)(2)(C). Pub. L. 113–291, § 318(b)(2), inserted at end “Beginning with model year 2016, if the Secretary prescribes a minimum driving range of 150 miles for alternative fueled automobiles that use a fuel described in subparagraph (E) of subsection (a)(1), subparagraph (A) shall not apply to dual fueled automobiles (except electric automobiles).”

2007—Subsec. (a)(3). Pub. L. 110–140, § 103(a)(1), added par. (3) and struck out former par. (3) which read as follows: “except as provided in section 32908 of this title, ‘automobile’ means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways (except a vehicle operated only on a rail line), and rated at—

“(A) not more than 6,000 pounds gross vehicle weight; or

“(B) more than 6,000, but less than 10,000, pounds gross vehicle weight, if the Secretary decides by regulation that—

“(i) an average fuel economy standard under this chapter for the vehicle is feasible; and

“(ii) an average fuel economy standard under this chapter for the vehicle will result in significant energy conservation or the vehicle is substantially used for the same purposes as a vehicle rated at not more than 6,000 pounds gross vehicle weight.”

Subsec. (a)(7), (8). Pub. L. 110–140, § 103(a)(2), (3), added par. (7) and redesignated former par. (7) as (8). Former par. (8) redesignated (9).

Subsec. (a)(9). Pub. L. 110–140, § 103(a)(2), redesignated par. (8) as (9). Former par. (9) redesignated (10).

Subsec. (a)(9)(A). Pub. L. 110–140, § 103(a)(4), inserted “or a mixture of biodiesel and diesel fuel meeting the standard established by the American Society for Testing and Materials or under section 211(u) of the Clean Air Act (42 U.S.C. 7545(u)) for fuel containing 20 percent

biodiesel (commonly known as ‘B20’)” after “alternative fuel”.

Subsec. (a)(10) to (16). Pub. L. 110–140, § 103(a)(2), redesignated pars. (9) to (15) as (10) to (16), respectively. Former par. (16) redesignated (17).

Subsec. (a)(17). Pub. L. 110–140, § 103(a)(6), added par. (17). Former par. (17) redesignated (18).

Pub. L. 110–140, § 103(a)(2), redesignated par. (16) as (17).

Subsec. (a)(18). Pub. L. 110–140, § 103(a)(5), redesignated par. (17) as (18).

Subsec. (a)(19). Pub. L. 110–140, § 103(a)(7), added par. (19).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE

Pub. L. 111–32, title XIII, June 24, 2009, 123 Stat. 1909, as amended by Pub. L. 111–47, Aug. 7, 2009, 123 Stat. 1972, provided that:

“SEC. 1301. SHORT TITLE.—This title may be cited as the ‘Consumer Assistance to Recycle and Save Act of 2009’.

“SEC. 1302. CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM.—(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a voluntary program to be known as the ‘Consumer Assistance to Recycle and Save Program’ through which the Secretary, in accordance with this section and the regulations promulgated under subsection (d), shall—

“(1) authorize the issuance of an electronic voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile upon the surrender of an eligible trade-in vehicle to a dealer participating in the Program;

“(2) register dealers for participation in the Program and require that all registered dealers—

“(A) accept vouchers as provided in this section as partial payment or down payment for the purchase or qualifying lease of any new fuel efficient automobile offered for sale or lease by that dealer; and

“(B) in accordance with subsection (c)(2), to transfer each eligible trade-in vehicle surrendered to the dealer under the Program to an entity for disposal;

“(3) in consultation with the Secretary of the Treasury, make electronic payments to dealers for eligible transactions by such dealers, in accordance with the regulations issued under subsection (d); and

“(4) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the program.

“(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile as follows:

“(1) \$3,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by \$3,500 if—

“(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 4 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

“(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 2 miles per gallon higher

than the combined fuel economy value of the eligible trade-in vehicle;

“(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and—

“(i) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 1 mile per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

“(ii) the eligible trade-in vehicle is a category 3 truck of model year 2001 or earlier; or

“(D) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck of model year of 2001 or earlier and is of similar size or larger than the new fuel efficient automobile as determined in a manner prescribed by the Secretary.

“(2) \$4,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by \$4,500 if—

“(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

“(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

“(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle and the eligible trade-in vehicle is a category 2 truck.

“(c) PROGRAM SPECIFICATIONS.—

“(1) LIMITATIONS.—

“(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program shall be used only in connection with the purchase or qualifying lease of new fuel efficient automobiles that occur between July 1, 2009 and November 1, 2009.

“(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

“(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or qualifying lease of a single new fuel efficient automobile.

“(D) CAP ON FUNDS FOR CATEGORY 3 TRUCKS.—Not more than 7.5 percent of the total funds made available for the Program shall be used for vouchers for the purchase or qualifying lease of category 3 trucks.

“(E) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal, State, or local incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program to any person otherwise eligible to receive such a voucher.

“(F) NO ADDITIONAL FEES.—A dealer participating in the program may not charge a person purchasing or leasing a new fuel efficient automobile any additional fees associated with the use of a voucher under the Program.

“(G) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

“(2) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

“(A) IN GENERAL.—For each eligible trade-in vehicle surrendered to a dealer under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that the dealer—

“(i) has not and will not sell, lease, exchange, or otherwise dispose of the vehicle for use as an automobile in the United States or in any other country; and

“(ii) will transfer the vehicle (including the engine block), in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle—

“(I) will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

“(II) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

“(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude a person who is responsible for ensuring that the vehicle is crushed or shredded from—

“(i) selling any parts of the disposed vehicle other than the engine block and drive train (unless with respect to the drive train, the transmission, drive shaft, or rear end are sold as separate parts); or

“(ii) retaining the proceeds from such sale.

“(C) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System and other publicly accessible systems are appropriately updated on a timely basis to reflect the crushing or shredding of vehicles under this section and appropriate reclassification of the vehicles' titles. The commercial market shall also have electronic and commercial access to the vehicle identification numbers of vehicles that have been disposed of on a timely basis.

“(d) REGULATIONS.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act [June 24, 2009]. Such regulations shall—

“(1) provide for a means of registering dealers for participation in the Program;

“(2) establish procedures for the reimbursement of dealers participating in the Program to be made through electronic transfer of funds for the amount of the vouchers as soon as practicable but no longer than 10 days after the submission of information supporting the eligible transaction, as deemed appropriate by the Secretary;

“(3) require the dealer to use the voucher in addition to any other rebate or discount advertised by the dealer or offered by the manufacturer for the new fuel efficient automobile and prohibit the dealer from using the voucher to offset any such other rebate or discount;

“(4) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of such vehicle and to permit the dealer to retain \$50 of any amounts paid to the dealer for scrappage of the automobile as payment for any administrative costs to the dealer associated with participation in the Program;

“(5) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

“(A) requirements for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal or State requirements;

“(B) a mechanism for dealers to certify to the Secretary that each eligible trade-in vehicle will be transferred to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures, and to submit the vehicle identification numbers of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher;

“(C) a mechanism for obtaining such other certifications as deemed necessary by the Secretary from entities engaged in vehicle disposal; and

“(D) a list of entities to which dealers may transfer eligible trade-in vehicles for disposal; and

“(6) provide for the enforcement of the penalties described in subsection (e).

“(e) ANTI-FRAUD PROVISIONS.—

“(1) VIOLATION.—It shall be unlawful for any person to violate any provision under this section or any regulations issued pursuant to subsection (d) (other than by making a clerical error).

“(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty of not more than \$15,000 for each violation. The Secretary shall have the authority to assess and compromise such penalties, and shall have the authority to require from any entity the records and inspections necessary to enforce this program. In determining the amount of the civil penalty, the severity of the violation and the intent and history of the person committing the violation shall be taken into account.

“(f) INFORMATION TO CONSUMERS AND DEALERS.—Not later than 30 days after the date of the enactment of this Act [June 24, 2009], and promptly upon the update of any relevant information, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall make available on an Internet website and through other means determined by the Secretary information about the Program, including—

“(1) how to determine if a vehicle is an eligible trade-in vehicle;

“(2) how to participate in the Program, including how to determine participating dealers; and

“(3) a comprehensive list, by make and model, of new fuel efficient automobiles meeting the requirements of the Program.

Once such information is available, the Secretary shall conduct a public awareness campaign to inform consumers about the Program and where to obtain additional information.

“(g) RECORD KEEPING AND REPORT.—

“(1) DATABASE.—The Secretary shall maintain a database of the vehicle identification numbers of all new fuel efficient vehicles purchased or leased and all eligible trade-in vehicles disposed of under the Program.

“(2) REPORT ON EFFICACY OF THE PROGRAM.—Not later than 60 days after the termination date described in subsection (c)(1)(A), the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efficacy of the Program, including—

“(A) a description of Program results, including—

“(i) the total number and amount of vouchers issued for purchase or lease of new fuel efficient automobiles by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

“(ii) aggregate information regarding the make, model, model year, and manufacturing location of vehicles traded in under the Program; and

“(iii) the location of sale or lease;

“(B) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

“(C) an estimate of the overall economic and employment effects of the Program.

“(3) REVIEW OF ADMINISTRATION OF THE PROGRAM BY GOVERNMENT ACCOUNTABILITY OFFICE AND INSPECTOR GENERAL.—Not later than 180 days after the termination date described in subsection (c)(1)(A), the Government Accountability Office and the Inspector General of the Department of Transportation shall submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate reviewing the administration of the program.

“(h) EXCLUSION OF VOUCHERS FROM INCOME.—

“(1) FOR PURPOSES OF ALL FEDERAL AND STATE PROGRAMS.—A voucher issued under this program or any payment made for such a voucher pursuant to subsection (a)(3) shall not be regarded as income and shall not be regarded as a resource for the month of receipt of the voucher and the following 12 months, for purposes of determining the eligibility of the recipient of the voucher (or the recipient's spouse or other family or household members) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal or State program.

“(2) FOR PURPOSES OF TAXATION.—A voucher issued under the program or any payment made for such a voucher pursuant to subsection (a)(3) shall not be considered as gross income of the purchaser of a vehicle for purposes of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.].

“(i) DEFINITIONS.—As used in this section—

“(1) the term ‘passenger automobile’ means a passenger automobile, as defined in section 32901(a)(18) of title 49, United States Code, that has a combined fuel economy value of at least 22 miles per gallon;

“(2) the term ‘category 1 truck’ means a nonpassenger automobile, as defined in section 32901(a)(17) of title 49, United States Code, that has a combined fuel economy value of at least 18 miles per gallon, except that such term does not include a category 2 truck;

“(3) the term ‘category 2 truck’ means a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled ‘Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008’;

“(4) the term ‘category 3 truck’ means a work truck, as defined in section 32901(a)(19) of title 49, United States Code;

“(5) the term ‘combined fuel economy value’ means—

“(A) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words ‘Combined Fuel Economy’ on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40, Code of Federal Regulations;

“(B) with respect to an eligible trade-in vehicle, the equivalent of the number described in subparagraph (A), and posted under the words ‘Estimated New EPA MPG’ and above the word ‘Combined’ for vehicles of model year 1984 through 2007, or posted under the words ‘New EPA MPG’ and above the word ‘Combined’ for vehicles of model year 2008 or later on the fueleconomy.gov website of the Environmental Protection Agency for the make, model, and year of such vehicle; or

“(C) with respect to an eligible trade-in vehicle manufactured between model years 1978 through 1985, the equivalent of the number described in subparagraph (A) as determined by the Secretary (and posted on the website of the National Highway Traffic Safety Administration) using data maintained by the Environmental Protection Agency for the make, model, and year of such vehicle.

“(6) the term ‘dealer’ means a person licensed by a State who engages in the sale of new automobiles to ultimate purchasers;

“(7) the term ‘eligible trade-in vehicle’ means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States

Code) that, at the time it is presented for trade-in under this section—

- “(A) is in drivable condition;
 - “(B) has been continuously insured consistent with the applicable State law and registered to the same owner for a period of not less than 1 year immediately prior to such trade-in;
 - “(C) was manufactured less than 25 years before the date of the trade-in; and
 - “(D) in the case of an automobile, has a combined fuel economy value of 18 miles per gallon or less;
- “(8) the term ‘new fuel efficient automobile’ means an automobile described in paragraph (1), (2), (3), or (4)—
- “(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;
 - “(B) that carries a manufacturer’s suggested retail price of \$45,000 or less;
 - “(C) that—
 - “(i) in the case of passenger automobiles, category 1 trucks, or category 2 trucks, is certified to applicable standards under section 86.1811-04 of title 40, Code of Federal Regulations; or
 - “(ii) in the case of category 3 trucks, is certified to the applicable vehicle or engine standards under section 86.1816-08, 86-007-11 [probably means 86.007-11], or 86.008-10 of title 40, Code of Federal Regulations; and
 - “(D) that has the combined fuel economy value of at least—
 - “(i) 22 miles per gallon for a passenger automobile;
 - “(ii) 18 miles per gallon for a category 1 truck; or
 - “(iii) 15 miles per gallon for a category 2 truck;
 - “(9) the term ‘Program’ means the Consumer Assistance to Recycle and Save Program established by this section;
 - “(10) the term ‘qualifying lease’ means a lease of an automobile for a period of not less than 5 years;
 - “(11) the term ‘scrappage value’ means the amount received by the dealer for a vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destroying of the vehicle;
 - “(12) the term ‘Secretary’ means the Secretary of Transportation acting through the National Highway Traffic Safety Administration;
 - “(13) the term ‘ultimate purchaser’ means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale;
 - “(14) the term ‘vehicle identification number’ means the 17 character number used by the automobile industry to identify individual automobiles; and
 - “(15) the term ‘voucher’ means an electronic transfer of funds to a dealer based on an eligible transaction under this program.
- “(j) APPROPRIATION.—There is hereby appropriated to the Secretary of Transportation \$1,000,000,000, of which up to \$50,000,000 is available for administration, to remain available until expended to carry out this section.”

§ 32902. Average fuel economy standards

(a) PRESCRIPTION OF STANDARDS BY REGULATION.—At least 18 months before the beginning of each model year, the Secretary of Transportation shall prescribe by regulation average fuel economy standards for automobiles manufactured by a manufacturer in that model year. Each standard shall be the maximum feasible average fuel economy level that the Secretary decides the manufacturers can achieve in that model year.

(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall prescribe separate average fuel economy standards for—

(A) passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection;

(B) non-passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection; and

(C) work trucks and commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

(2) FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—

(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe a separate average fuel economy standard for passenger automobiles and a separate average fuel economy standard for non-passenger automobiles for each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the total fleet of passenger and non-passenger automobiles manufactured for sale in the United States for that model year.

(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by each fleet of passenger and non-passenger automobiles manufactured for sale in the United States shall be the maximum feasible average fuel economy standard for each fleet for that model year.

(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.

(3) AUTHORITY OF THE SECRETARY.—The Secretary shall—

(A) prescribe by regulation separate average fuel economy standards for passenger and non-passenger automobiles based on 1 or more vehicle attributes related to fuel economy and express each standard in the form of a mathematical function; and

(B) issue regulations under this title prescribing average fuel economy standards for at least 1, but not more than 5, model years.

(4) MINIMUM STANDARD.—In addition to any standard prescribed pursuant to paragraph (3), each manufacturer shall also meet the minimum standard for domestically manufactured passenger automobiles, which shall be the greater of—

(A) 27.5 miles per gallon; or

(B) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and non-domestic passenger automobile fleets manufactured for sale in the